

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 229 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI and  
MR.JUSTICE R.BALIA.

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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NEHA AGRO

Versus

STATE OF GUJARAT

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Appearance:

MR BD KARIA for Petitioner

MR M.G. DOSHIT, for Respondent Nos. 1, 2, 3

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CORAM : MR.JUSTICE R.K.ABICHANDANI and  
MR.JUSTICE R.BALIA.

Date of decision: 27/01/97

ORAL JUDGEMENT (Per R.K.Abichandani,J.)

Rule. The learned Counsel appears for the respondent and waives service of rule on behalf of the respondents. At the instance of both the sides, the matter is taken up for final disposal.

The only contention that was raised on behalf of the petitioner at the hearing is that the petitioner should be given some instalments to pay the dues payable to the respondents under the deferred payment scheme in respect of which the impugned order has been made. The petitioner has shown readiness through it's Partner Gopaldas who is present in the Court to pay all the dues by instalments of Rs. 25,000/- per month. There appears to be no objection if the petitioner is given this facility of paying its dues.

By consensus it is therefore, ordered that recovery under the impugned order will remain stayed on the condition that the petitioner will pay all the dues payable pursuant to the impugned order to the respondents by monthly instalments, each instalment being of Rs. 25,000/- commencing from February, 1997. Each such instalment will be paid on or before seventh of the respective month. If there is failure on the part of the petitioner in paying any instalment, the impugned order will become operative and the respondents will be free to take action for recovery of the amount. This arrangement will operate only if the petitioner files an undertaking to this Court to the effect that the payment of all the dues pursuant to the impugned order will be made to the respondents by the petitioner as stipulated in this order. The undertaking should be filed within seven days from today, otherwise this arrangement will become inoperative. Rule is made absolute accordingly with no order as to costs. Direct service is permitted.

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